

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

No. 11 Cr. 0003 (DLI)

VINCENT DRAGONETTI,
THOMAS FRANGIAPANE,
EMMANUEL GARAFOLO,
ANTHONY LICATA,
JOSEPH LOMBARDI,
ANTHONY O'DONNELL
ANTHONY SCIBELLI and
WILLIAM SCOTTO

Defendants.

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**DEFENDANT ANTHONY SCIBELLI'S RESPONSE TO THE MOTION OF
NON-PARTY JERRY CAPECI FOR DISCLOSURE OF PLEA AGREEMENTS**

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Attorneys for Anthony Scibelli

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Based on controlling Second Circuit precedent, we believe that we have no grounds to object to the disclosure of Anthony Scibelli's plea agreement. See United States v. Haller, 837 F.2d 84, 86-87 (2d Cir. 1988) ("[W]e conclude there is a right of access to plea hearings and to plea agreements. Plea hearings have typically been open to the public, and such access, as in the case of criminal trials, serves to allow public scrutiny of the conduct of courts and prosecutors. Moreover, the taking of a plea is the most common form of adjudication of criminal litigation. Accordingly, the qualified first amendment right of access extends to plea hearings and thus to documents filed in connection with those hearings.") (internal citations omitted); see also U.S. v. Alcantara, 396 F.3d 189, 196 (2d Cir. 2005) ("Applying the above analysis, we have already held that the public and press have a qualified First Amendment right

of access to plea proceedings and plea agreements.”).¹

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'G. Shargel', written over the typed name.

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¹ This response is filed on behalf of Anthony Scibelli alone, and does not necessarily reflect the views of any other defendant.